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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/029,473

12/21/2001

Assaf Govari

BIO-122

5451

27777 7590 08/08/2007  
PHILIP S. JOHNSON  
JOHNSON & JOHNSON  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 08933-7003

EXAMINER

ROY, BAISAKHI

ART UNIT

PAPER NUMBER

3737

MAIL DATE

DELIVERY MODE

08/08/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10029473	12/21/2001	GOVARI, ASSAF	BIO-122

PHILIP S. JOHNSON  
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NEW BRUNSWICK, NJ 08933-7003

**EXAMINER**

Baisakhi Roy

ART UNIT	PAPER
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3737

20070706

DATE MAILED:

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**Commissioner for Patents**

IDS, dated 3/7/07 has been considered.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/029,473  
Filing Date: December 21, 2001  
Appellant(s): GOVARI, ASSAF

**MAILED**  
**AUG 08 2007**  
**GROUP 3700**

Louis J. Capezzuto (Reg. No. 37,107)  
For Appellant

**EXAMINER'S ANSWER**

Art Unit: 3737

This is in response to the appeal brief filed 6/23/06 appealing from the Office action mailed 2/24/06.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,447,448	ISHIKAWA et al.	9-2002
2003/0167000	MULLICK et al.	9-2003

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al.'448 (US Patent NO. 6,447,448) in view of Mullick et al.'000 (US PGPUB 20030167000).

Ishiwawa et al.'448 teach all the elements of the current invention including a wireless transponder having at least one sensor coil, a control circuit and a power coil so arranged so as to transmit RF signals wherein the signal includes among other information, positional information of the transponder (see col. 5, line 44- col. 6, line 43).

Ishiwawa et al.'448 do not disclose a plurality of field generators, but Ishikawa et al.'448 states that interrogation generators are well known in the art (see col. 6, lines 30-43). Therefore, it would have been obvious to one skilled in the art at the time that the invention was made to have used a number of generators in order to interrogate the position of the transponder.

Ishiwawa et al.'448 do not teach circuits to determine three dimensions of position and at least two positions of orientation.

In the same field of endeavor, Mullick et al.'000 teach a transponder (or capsule) with a position and orientation monitor including six degrees of freedom to allow for a more accurate determination of the location of the transponder with respect to the body (see paragraph 0061).

It would have been obvious to one skilled in the art at the time that the invention was made to have modified Ishikawa et al.'448 and incorporated the teaching of Mullick

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et al.'000 in order to more accurately determine the location of the transponder, both its position and orientation.

**(10) Response to Argument**

**Rejection of Claims 1-49 Under 35 U.S.C. § 103(a)**

The Appellant argues that Ishikawa et al. and Mullick et al. do not teach an apparatus and method for tracking an object in the body using a wireless transponder having a sensor coil, a control circuit coupled to the sensor coil and a power coil in conjunction with a plurality of field generator adapted to generate electromagnetic fields at different respective frequencies and a signal receiver to receive output signal which includes positional and orientation information of the transponder. However, Appellant's attention is directed to Ishikawa et al. (col. 5 lines 44 – col. 6 line 34). Ishikawa et al. teach a wireless transponder (110), having a sensor coil, a control circuit, and a power coil arranged to transmit RF signals (150), where the signals include position information of the object in the body (col. 6 lines 6-29). Therefore Ishikawa et al. teach the individual components of the position tracking device. Ishikawa et al. however do not explicitly teach the step of determining three dimensions of position information and at least two dimensions of orientation information. The teaching in Mullick et al. is used to address the step of determining three dimensions of position and at least two dimensions of orientation information. Mullick et al. disclose an apparatus and method for tracking an object in the body by determining the real-time position of the capsule relative to the patient's body [0061]. Mullick et al. teach a transponder with a position and orientation monitor to determine the six degrees of freedom position and orientation

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of the object. The Appellant argues that it would not be obvious to combine the teachings of Ishikawa et al. and Mullick et al. However Mullick et al. and Ishikawa et al. are both directed to tracking the position of an object within the body or determining the location of a wireless transponder within the body. It would have therefore been obvious to one of ordinary skill in the art to combine the teaching in Ishikawa et al. with the teaching in Mullick et al. to more accurately determine both the position and orientation of the transponder in the body.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

*BR*  
Baisakhi Roy

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